

Session 15-04, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Stead at 6:30 p.m. on February 18, 2015 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS BOS, BRADLEY, ERICKSON, HIGHLAND, STEAD, STROOZAS, VENUTI

STAFF: CITY PLANNER ABBOD  
DEPUTY CITY CLERK JACOBSEN

### **Approval of Agenda**

Chair Stead called for a motion to approve the agenda.

HIGHLAND/BRADLEY SO MOVED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

### **Public Comment**

The public may speak to the Planning Commission regarding matters on the agenda that are not scheduled for public hearing or plat consideration. (3 minute time limit).

None

### **Reconsideration**

### **Adoption of Consent Agenda**

All items on the consent agenda are considered routine and non-controversial by the Planning Commission and are approved in one motion. There will be no separate discussion of these items unless requested by a Planning Commissioner or someone from the public, in which case the item will be moved to the regular agenda and considered in normal sequence.

A. Approval of Minutes of February 4, 2015 meeting

Chair Stead called for a motion to approve the consent agenda.

HIGHLAND/BOS SO MOVED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

### **Presentations**

None

### **Reports**

A. Staff Report PL 15-13, City Planner's Report

City Planner Abboud reviewed the staff report. There was brief discussion explaining the notification process for the natural gas line assessments.

### **Public Hearings**

Testimony limited to 3 minutes per speaker. The Commission conducts Public Hearings by hearing a staff report, presentation by the applicant, hearing public testimony and then acting on the Public Hearing items. The Commission may question the public. Once the public hearing is closed the Commission cannot hear additional comments on the topic. The applicant is not held to the 3 minute time limit.

None

### **Plat Consideration**

None

### **Pending Business**

A. Staff Report PL 15-14, Bridge Creek Watershed Protection District

City Planner Abboud reviewed the staff report.

Commissioner Highland questioned if they want legislation that requires testing leach fields in the area once in a while and what they could do about it.

Commissioner Erickson commented in support of including allowance for a small shed or green house in the ordinance. It is something they had talked about previously.

Commissioner Stroozas added that he would like to see the 500 square feet of uncovered added as well. He is also interested in working on line 45 regarding impervious coverage of driveways and sidewalks. It seems to be very subjective and as he mentioned in the worksession other areas of the ordinance are very objective regarding percentages. He agrees they need to get into the septic tank issue and would like to see if there is a way to incorporate it into the ordinance. He agrees with Ms. Highland in that if property owners in the area don't get their septic tank pumped until there is a problem after 5 or 6 years, then it causes problems. Getting it pumped on a routine basis and the City helping with all or some of the cost would enable the owner to know if he or she has a problem with their leach field and fix it before it goes on for years and possibly harms the water shed. There are a lot of positives that come from routine maintenance.

The Commission discussed current mitigation plan information and impervious coverage. City Planner Abboud said the idea is to get a mitigation plan that addresses a 10 year three hour storm, and he can look at other plans where driveways have been excluded depending on engineer certification.

STROOZAS/BOS MOVED TO AMEND LINE 45 OF THE DRAFT THAT STATES “FOR THE PURPOSE OF CALCULATING IMPERVIOUS COVERAGE ON LOTS SMALLER THAN TWO AND ONE HALF ACRES, DRIVEWAYS AND WALKWAYS MAY BE PARTIALLY OR FULLY EXCLUDED FROM THE CALCULATION DEPENDING UPON THEIR DEGREE OF IMPERVIOUSITY IF CONSTRUCTED AND MAINTAINED IN ACCORDANCE WITH A MITIGATION PLAN SUBMITTED AND APPROVED IN ACCORDANCE WITH SUBSECTION (A)(3) OF THIS SECTION.

City Planner Abboud suggested something directing the Planner to make more objective standards for determination of exclusion of items in this paragraph.

There was brief discussion regarding the wording of the motion.

Commissioner Highland called for the question.

There was no objection to the call for the question.

VOTE: YES: ERICKSON, STROOZAS  
NO: BOS, STEAD, HIGHLAND, VENUTI, BRADLEY

Motion failed.

HIGHLAND/STROOZAS MOVED TO RETURN NUMBER ONE UNDER ITEM B ON LINE 45 BACK TO THE PLANNER TO CREATE MORE OBJECTIVE STANDARDS FOR EXCLUSION FROM IMPERVIOUS CALCULATION.

There was no further discussion.

VOTE: YES: HIGHLAND, ERICKSON, STEAD, VENUTI, STROOZAS, BRADLEY  
NO: BOS

Motion carried.

B. Staff Report PL 15-16, Towers

The Commission briefly discussed the information from The Center for Municipal Solutions, an organization that has industry experts, is set up to assist with the creation of ordinances, and can do review, enforcement, or whatever we would need them to do. The idea is their review is paid by the applicant, so it wouldn't cost the city, but it is a significant amount of money. It was suggested this may be cost prohibitive to an applicant, and point was raised that putting up a tower is very costly to begin with, so it may not. City Planner Abboud wasn't sure of the cost of their service for Alaska.

City Planner Abboud and the Commission reviewed the ordinance information and revisions included in the staff report.

Discussion included:

- Essential services shouldn't be an exemption and telecommunications could be considered an essential service. The Environmental Protection Agency will require any utility or service using federal funds to construct will have to go through an environmental assessment. If an essential service wants to build a tower in excess of our height requirement, they should still have to come in for a CUP.
- The 1.1x setback is agreeable.
- 12 months is acceptable relating to reconstruction and replacement and also abandonment.
- Including review by a group like The Center for Municipal Solutions within the standards for approval of new tall structures. This company shouldn't be called out by name in code as there may be others offering the service.
- Continue working on and getting legal review of the draft ordinance, height requirements, and restrictions.

### **New Business**

#### **A. Staff Report PL 15-15, Zoning for Marijuana**

City Planner Abboud reviewed the staff report.

There was discussion that the City can adopt local regulations but they can't make them less restrictive than the state regulations. Opposition was expressed to cultivation being allowed in the GC1 and EEMU districts.

They acknowledged the work the state is doing and that it may be beneficial to wait to see what the legislators come up with first. It seems many of the other communities are stepping back to see what the state and larger cities are doing. Forming a local advisory board would be a good step in the process as it will allow a group of people time to focus on the topic and allow the city and residents to be actively engaged in the process.

HIGHLAND/BOS MOVED THAT THE COMMISSION RECOMMENDS COUNCIL FORM A LOCAL ADVISORY BOARD FOR MARIJUANA REGULATIONS.

There was discussion the Commission will still have an opportunity to address zoning relating to the allowable uses and restrictions in the districts.

VOTE: YES: STEAD, BRADLEY, STROOZAS, BOS, HIGHLAND, VENUTI  
NO: ERICKSON

Motion carried.

There was brief discussion of requiring a CUP for anyone who wants to establish a growing operation or retail operation in the city. It was suggested that it not be considered all areas, but address allowing by CUP in the CBD, Town Center, GC1, and EEMU.

### **Informational Materials**

- A. City Manager's report for February 9, 2015 Council Meeting
- B. KPB Plat Committee Decision on Tietjen Church of Christ Addition Preliminary Plat

### **Comments of the Audience**

Members of the audience may address the Commission on any subject. (3 minute time limit)

Lindianne Sarno, city resident, commented that apparently the state is doing a thorough job in drafting regulation and encouraged the city to wait to see what comes from the State Legislature. She thinks it will be good legislation for people on both sides of the issue. If the city does propose an ordinance we need to be careful and ensure we don't deny ourselves of tax revenue that we could really benefit from. Both Homer and Alaska's tax base can be very diversified by this development. She noted medical cannabis is also part of this and currently there are some extremely sick people in Homer who have to go the lower 48 for treatment and Alaska loses when people have to leave the state for treatment. Lastly she encouraged them to consider an allowance for cultivation for agricultural hemp, which is different from medicinal or recreational hemp.

Wes Schatt, borough resident and member of Kachemak Cannabis Coalition, said they look forward to working with the City on this. He commented this all comes down to personal responsibility. There is a drug and alcohol problem in town and that includes pharmaceuticals. Cannabis seems to be one of the least bad of the things going on here and it's been around the town forever.

City Manager Yoder commented to the Commission that the Economic Development Advisory Commission has been discussing low incoming housing and how to get housing prices lower. One thing that keeps coming up is getting utilities. With most land it seems the cost of the local improvement district is more than the value of the lot. He referenced the Lillian Walli subdivision and a proposed improvement district in the area. In talking with the Public Works Director about what's allowed in code, he asked if there is a way to make this work like PUD's or cluster developments. One issue in the subdivision is there are multiple owners, and another is the restriction in the code. The Public Works Director said building the subdivision out the way it is now could cost up to \$80,000 per lot. He wanted to bring it to the Commissions attention.

### **Comments of Staff**

None

### **Comments of the Commission**

Commissioner Stroozas said tonight's discussion was good and he will be absent at the next two meetings.

HOMER ADVISORY PLANNING COMMISSION  
REGULAR MEETING MINUTES  
FEBRUARY 18, 2015

Commissioner Venuti said it was an interesting meeting.

Commissioner Bos commented that there are lots of interesting topics and lots of interesting points of view. It was a good meeting.

Commissioner Erickson had no comment.

Commissioner Bradley agrees there are many interesting topics. Having grown up in Homer she never thought this would come to the plate, but here we are.

Commissioner Highland said Mr. Yoder brought up an interesting comment. She doesn't know if they can have it on their next meeting. She thinks it's important to address.

Chair Stead said he thought Mr. Yoder was expressing that there are other ways to address the Lillian Walli Subdivision than forming an assessment district and it may be worth talking to him directly first. He thought it was a good meeting.

### **Adjourn**

There being no further business to come before the Commission, the meeting adjourned at 8:31 p.m. The next regular meeting is scheduled for March 4, 2015 at 6:30 p.m. in the City Hall Cowles Council Chambers. A worksession will be held at 5:30 p.m.

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MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

Approved: \_\_\_\_\_